REMARKS/ARGUMENTS

Claims 1-18 are now pending in the present application. Claim 1-11 have been amended, and Claims 12-18 have been added, herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 103, Obviousness

Claims 1-4 stand rejected under 35 U.S.C. § 103 as being unpatentable over Goodman (U.S. Publication No. 2006/059253), hereinafter "Goodman" in view of Parks et al. (U.S. Patent No. 6,981,000), hereinafter "Parks" and Guheen et al. (U.S. Patent No. 6,519,571), hereinafter "Guheen". This rejection is respectfully traversed.

With respect to Claim 1, such claim recites "first program instructions to receive a request to view contact information for support people for said application, and in response, **determine whether said request occurs** during said On Shift support hours or said Off Shift support hours" (emphasis added). As can be seen, a request to view contact information for support people for an application is received, and in response to receiving this request to view contact information, a determination is made as to whether such request occurs during On Shift support hours or Off Shift support hours. Importantly, this time-based occurrence determination is made *with respect to the time that the request to view contact information is received*, and is not directed to the time that actual service is requested to be performed. The Examiner states that Parks teaches 'displaying a list of the available technicians (to the customer for selection) based on the technicians schedules and availability *according to the time service is requested by the customer* (see column 12 from line 15), including matching the time zone of the customer (see claim 16) to the technicians' shift schedules (see claim 16)" (emphasis added by Applicants). Contrary to the Examiner's assertion, the time described by Parks is the time when the customer desires the actual service *to occur* (Figure 16A, element S202; col. 12, lines 35-37; Figure 16B, "Times Desired"), and not the time that the customer requests to view contact information, as per the features expressly recited in Claim 1. For example, Parks claim 16 states:

> "confirming an area where the customer is positioned and **a time zone for providing a response to the customer's request**" (emphasis added)

None of the cited references provide an ordered list of On Shift and Off Shift personnel based upon the time that a request to view contact information for support people is actually received. This can also be seen by Parks' Figure 16B, in the "Available Time" listing of technicians, where a list of technicians that are available at the time the customer desires the service to actually be performed is listed, and this sequential listing does not provide any special ordering based upon the time a request to view this list is

actually received. Instead, this list is ordered based on the time the service is desired to be performed by the customer – and this list provides no distinction, such as special ordering, between On Shift and Off Shift personnel.

Nor does the cited Guheen reference overcome such request-to-view time-based-ordering teaching deficiency. There, Guheen describes that remote locations be given to the central system, rather than operating local systems since problems can occur when different time zones exist. This cited reference does not describe using the time that a request to view contact information is received to determine and present as an ordered list On Shift and Off Shift personnel. Thus, it is urged that Claim 1 has been erroneously rejected.

Still further, none of the cited references teach or suggest the claimed feature of "*if said request occurs during said On Shift support hours*, second program instructions determine the support people who are On Shift and the support people who are Off Shift for said application, and direct display of said On Shift support people and said Off Shift support people in a list such that said support people who are On Shift are listed before said support people who are Off Shift" or "*if said request occurs during said Off Shift support hours*, said second program instructions determine the support people who are Off Shift and the support people who are On Shift for said application, and direct display of said Off Shift support people and said On Shift support people in a list such that said support people who are Off Shift are listed before said support people who are On Shift". As alluded to above with respect to the teachings of Parks, Parks uses *service-time* (the time the customer specifies in a menu screen of when they desire the service to be performed) to generate a list, and not *request-time* of a time that a request to view contact information occurs, as claimed. Thus, Parks does not provide any type of determination as to On-Shift support hours and Off-Shift support hours with respect to the time that a request to view contact information is actually received. This is because the present claims are not directed to a scheduling system such as is provided by Park, where technicians are scheduled later in time, but to a system where immediate assistance is desired and hence the time that the request to view contact information actually occurs is the time used in the On-Shift/Off-Shift criteria – and not the time specified by the customer in a display screen of when they desire the service to be performed. Thus, it is urged that none of the cited references teach/suggest any type of On-Shift/Off-Shift determination being made at the particular point in time specified in Claim 1, where the On-Shift/Off-Shift status determination is with respect to the *time that the request to view contact information actually occurs*, as per the features of Claim 1.

Applicants initially traverse the rejection of Claims 2-4 for reasons given above with respect to Claim 1 (of which Claims 2-4 depend).

Further with respect to Claim 2, such claim recites "wherein there are a plurality of said On Shift support people including an On Shift primary support person and an On Shift backup support person, and

there are a plurality of said Off Shift support people including an Off Shift primary support person and an Off Shift backup support person, and in each of said lists the respective primary support person is listed before the respective backup support person". As can be seen, per the features of Claim 2, there are two classes of people (a plurality of On Shift support personnel, and a plurality of Off Shift support personnel). Each of these classes is then further divided in two sub-classes (primary support person, and backup support person). Thus, in total there are four sub-classes per the features of Claim 2: (1) On Shift primary support person, (2) On Shift backup support person, (3) Off Shift primary support person, and (4) Off Shift backup support person. In rejecting Claim 2, the Examiner states that all features of such claim are taught by Goodman since Goodman teaches a main contact and a secondary contact. Applicants urge that such assertion does not establish a teaching/suggestion – nor do the references themselves actually provide a teaching/suggestion – of *both* On Shift support persons *and* Off Shift support persons *each* having a primary *and* backup support person. Thus, the Examiner has failed to properly establish a prima facie showing of obviousness, and thus Claim 2 has been erroneously rejected.[1]

Further with respect to Claim 3, such claim recites "third program instructions to create a database specifying said On Shift support hours and said Off Shift *support hours for said application*, and which of said support people are On Shift and which of said support people are Off Shift" (emphasis added by Applicants). As can be seen, per the features of Claim 3, the On Shift and Off Shift support hours are with respect to a given application - in other words, the application itself, in contrast to a given person, has certain On Shift and Off Shift support hours. In rejecting Claim 3, the Examiner states that Parks provides such a database at, for example, col. 12, line 20 since such passage states "the database stores information ... on *serviceable times of the respective technicians*" (emphasis added by Applicants). Applicants urge that, even assuming such assertion to be true, such assertion does not establish a teaching or suggestion that the actual application itself has On Shift and Off Shift support hours that are specified in a database that is created, per the features of Claim 3. Thus, it is further urged that Claim 3 has been erroneously rejected due to this additional prima facie obviousness deficiency, as the alleged teachings are technician-centric whereas the features of Claim 3 are application-centric with respect to On Shift/Off Shift support hours.

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[1] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id*. If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Further with respect to Claim 4, such claim recites "wherein there is a preferred On Shift contact method and a preferred Off Shift contact method for each of said On Shift support people and each of said Off Shift support people, and each of said lists specifies said preferred On Shift contact method for each of said On Shift support people and said preferred Off Shift contact method for each of said Off Shift support people". As can be seen, the lists that are displayed in response to receiving a request to view contact information for support people specify the preferred On Shift contact method for each of the On Shift support people *as well as* the preferred Off Shift contact method for each of the Off Shift support personnel. In rejecting Claim 4, the Examiner states that Goodman teaches a database of main and secondary contacts, and Guheen teaches that users encountering issues and requesting support will be provided support according to their (the user encountering the problem) preferred 'defined channel'. None of the cited references teach or suggest – nor has the Examiner alleged a teaching/suggestion - that *each of said lists specifies said preferred On Shift contact method for each of said On Shift support people and said **preferred Off Shift contact method for each of said <u>Off Shift support people</u>**. At best, the Examiner has alleged that the *preferred contact method <u>of the customer requesting support</u> is used* in some fashion. Preferred contact information for a *requesting customer*, as alleged to be taught by the cited combination, is very different from preferred contact method for *Off Shift support people*, as claimed. Thus, it is further urged that Claim 4 has been erroneously rejected due to this additional prima facie obviousness deficiency.

Therefore, the rejection of Claims 1-4 under 35 U.S.C. § 103 has been overcome.

II.   35 U.S.C. § 103, Obviousness

Claims 5-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Parks and Guheen and further in view of Kaplan et al. (U.S. Publication No. 2005/0015501), hereinafter "Kaplan". This rejection is respectfully traversed.

With respect to Claim 5, such claim recites "first program instructions to receive a request to view contact information for support people for said application, and in response, determine whether said request occurs during On Shift support hours or Off Shift support hours of said application". As can be seen, there are several aspect to this portion of Claim 5. First, the application for which there are support people has On Shift support hours and Off Shift support hours – i.e. the support hours are for the application, and not the support people. Second, the request to view contact information for support people triggers a determination as to whether such request (to view contact information) occurs during On Shift/Off Shift support hours for such application. In rejecting Claim 5, the Examiner states that the combined teachings of Goodman/Parks/Guheen teach of all of these claimed features, for the reasons set out in the rejection of Claim 1. Applicants urge that such combination, as articulated above, does not

teach/suggest (1) using the time that a request to view contact information actually occurs as the time based criteria that is compared/judged/determined with respect to On Shift/Off Shift support hours, and (2) the On Shift/Off Shift support hours are with respect to the application itself (and not with respect to the support personnel).

Applicants traverse the rejection of Claims 6-11 for similar reasons to those given above with respect to Claim 5.

Therefore, the rejection of Claims 5-11 under 35 U.S.C. § 103 has been overcome.

III.   Newly Added Claims

Claims 12-18 have been added herewith. Examination of such claims is respectfully requested.

IV.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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